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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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9 FRANK RALPH LAPENA,
10 *Petitioner,*

11 2:00-cv-00960-PMP-RJJ
vs.

12 GEORGE GRIGAS, *et al.,*
13 *Respondents.*

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15 This closed habeas matter under 28 U.S.C. § 2254 is before the Court on Petitioner's
16 motion (#127) to reopen the case and reinstate the Petition. Petitioner alleges therein that
17 he provided timely notice of his change of address prior to the dismissal of the Petition for
18 failure to provide an updated address. He attaches an alleged file-stamped conform copy of
19 a February 14, 2005, notice of change of address. The Court has reviewed respondents'
20 opposition (#128) to the motion, and the Court is not persuaded that it should resolve the
21 motion in the manner argued in the opposition without further inquiry. The Court will direct
22 a supplemental response.

23 IT THEREFORE IS ORDERED that, taking into account the time necessary for counsel
24 to retrieve and review his closed file, Respondents shall file a supplemental response to
25 Petitioner's motion within **sixty (60) days** of entry of this order.

26 IT FURTHER IS ORDERED that: (a) if counsel has a service copy of the alleged
27 February 14, 2005, notice of change of address *to this Court* as opposed to the Court of
28 Appeals, counsel shall attach a copy of same with the response; or (b) if counsel does not

1 have such a service copy, he shall attach an appropriate declaration or affidavit to that effect
2 by a competent witness with personal knowledge as to the content of the file and the clerical
3 procedures for maintaining the completeness of same.

4 IT FURTHER IS ORDERED that Petitioner may file a reply to Respondents' response
5 within **thirty (30) days** of service of same.

6 Nothing in this order reopens the matter at this juncture, as the motion to reopen
7 remains under consideration.

8 DATED: June 19, 2012.
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12 PHILIP M. PRO
United States District Judge
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